

## **REMARKS/ARGUMENTS**

### **1.) Claim Amendments**

The Applicant has amended claims 16, 22, 23-25, and 27. Claim 26 has been canceled and rewritten as new claim 28. Accordingly, claims 16-25, 27, and 28 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **2.) Claim Rejections – 35 U.S.C. § 112**

The Examiner rejected claims 22 and 27 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. In response, claims 22 and 27 have been amended to more clearly define the claimed invention. In particular, claims 22 and 27 now recite the limitation that the first and second base stations are the same base station. Support for the amendments to claims 22 and 27 are found on page 8, lines 27-35 of the Applicant's specification. Therefore, the allowance of claims 22 and 27 is respectfully requested.

### **3.) Claim Rejections – 35 U.S.C. § 102(e)**

The Examiner rejected claims 16 and 23 under 35 U.S.C. 102(e) as being anticipated by Komaili et al. (U.S. Patent No. 7, 164,710). The Examiner initially rejected claims 16 and 23, however further discussed claims 17, 25, and 26 (see paragraph 5 of the "Detailed Actions" of the Office Action). Therefore, the Applicant is assuming that claims 17, 25, and 26 have also been rejected under 35 U.S.C. 102(e) as being anticipated by Komaili. The Applicant has amended claims 16, 23, and 25, and has rewritten claim 26 as new claim 28 to better define the intended scope of the claimed invention. The Examiner's consideration of the amended claims is respectfully requested.

Claims 16 and 25 have been amended and now recite the step and means for determining the connection having the highest associated C/I ratio. The uplink or downlink power is adjusted to a power level lower than an optimal power level for the

connection with the highest associated C/I ratio without changing the AMR coded mode for either the uplink connection or the downlink connection.

The Applicant's invention provides a solution to capacity loss in a radio communication system found in a mobile-to-mobile call where there is one good radio link and one bad radio link. In conventional systems, the good radio link is forced by the poor link to use a more robust AMR mode, thereby using excessive power. In contrast, the Applicant's claimed invention adjusts the uplink power or the downlink power to a power level lower than an optimal power level for the connection with the highest associated C/I ratio without changing the AMR coded mode for either the uplink connection or the downlink connection.

In contrast, Komaili discloses a single base station and a single mobile station using a pair of frequencies. A first frequency is specified for use in lower power transmissions from the MS to the BS and the second frequency is used for the higher power transmissions from the BS to the MS (see Col. 1, lines 24-38). Komaili does not disclose power adjustments in a mobile-to-mobile communication scenario.

Additionally, Komaili does not disclose determining the connection having the highest associated C/I ratio or adjusting the uplink or downlink power to a power level lower than an optimal power level for the connection with the highest associated C/I ratio without changing the AMR coded mode for either the uplink connection or the downlink connection.

The present invention provides a power control method and system for a mobile-to-mobile call utilizing AMR-coded connections, wherein the two AMR code requests are compared, and the power is adjusted to avoid excessive C/I ratios. Komaili does not address this problem. Komaili merely discloses the use of a single MS communicating with a BS. Komaili only discloses using different frequencies for the uplink and downlink connections between the single MS and BS. Komaili does not adjust power in response to determining the good link or reducing the power on the connection with the highest C/I ratio to a level below the optimal level.

In regards to independent claims 23 and new claim 28, the claims have also been amended with limitations analogous to the limitations of claims 16 and 25. Furthermore, claims 23 and 28 recite that the uplink power or the downlink power is

adjusted to a power level lower than an optimal power level for the connection with the highest AMR coded mode request without changing the AMR coded mode for either the downlink connection or the uplink connection.

Komaili does not disclose determining the connection with the highest AMR coded mode request and adjusting the power level to a level lower than an optimal power level for the connection with the highest AMR coded mode request without changing the AMR coded mode for either connection. Furthermore, Komaili merely discloses communication between a single mobile station and base station.

Therefore, Komaili does not disclose all the elements as recited in claims 16, 23, 25, and 28. Claim 17 depends from claim 16 and recites further limitations in combination with the novel elements of claim 16. Therefore, the allowance of claims 16, 17, 23, 25, and 28 is respectfully requested.

#### **4.) Claim Rejections – 35 U.S.C. § 103(a)**

##### **Claims 18 and 20**

The Examiner rejected claims 18 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Kamaili in view of Komatsu (U.S. Patent No. 7,010,320). The Examiner originally rejected claims 18 and 20, however further discussed claim 24 (see paragraph 7 of the “Detailed Actions” of the Office Action). Therefore, the Applicant is assuming that claim 24 has also been rejected under 35 U.S.C. 103(a) as being unpatentable over Kamaili in view of Komatsu.

Claims 18 and 20 depend from base claim 16. As noted above, the Applicant has amended independent claim 16 to recite that the uplink or downlink power is adjusted to a power level lower than an optimal power level for the connection with the highest associated C/I ratio without changing the AMR coded mode for either the uplink connection or the downlink connection. These features are not taught or suggested by Komaili or Komatsu. Therefore, the allowance of claims 18 and 20 is respectfully requested.

Claim 24 has been amended to properly depend from claim 23. As noted above, the Applicant has amended independent claim 23 to recite that the uplink power or the

downlink power is adjusted to a power level lower than an optimal power level for the connection with the highest AMR coded mode request without changing the AMR coded mode for either the downlink connection or the uplink connection. These features are not taught or suggested by Komaili or Komatsu. Therefore, the allowance of claim 24 is respectfully requested.

#### **Claims 19 and 21**

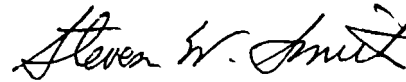
The Examiner rejected claims 19 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Kamaili in view of Niemela (U.S. Patent No. 6,452,914). Claims 19 and 21 depend from base claim 16. As noted above, the Applicant has amended independent claim 16 to recite that the uplink or downlink power is adjusted to a power level lower than an optimal power level for the connection with the highest associated C/I ratio without changing the AMR coded mode for either the uplink connection or the downlink connection. These features are not taught or suggested by Komaili or Niemela. Therefore, the allowance of claims 19 and 21 is respectfully requested.

#### **CONCLUSION**

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 16-25, 27, and 28.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would expedite the prosecution of the Application.

Respectfully submitted,



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